

DETAILED ACTION

1. Applicant's amendment and remarks, filed 8/20/09, are acknowledged.
Claims 1, 6, and 13 have been amended.
Claims 1, 5-8, 10-11, 13-15, 25-26, and 28 are pending.
2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.
3. Authorization for this examiner's amendment was given in a telephone interview with Raymond Smith on 12/1/09.

IN THE CLAIMS:

4. In claim 1, line 5, "antibiotic-free complete medium;" has been replaced with "antibiotic-free complete medium, wherein said medium comprises interleukin-2 (IL-2);", and in line 6 "a complete medium volume" has been replaced with "a volume of said complete medium".
5. In claim 10, line 3, "interleukin" has been replaced with "IL-2".
6. Claim 11 has been cancelled.
7. In claim 28, line 3, "interleukin" has been replaced with "IL-2".
8. The following is an examiner's statement of reasons for allowance: As noted by Applicant in the remarks filed 8/20/09, the instant specification demonstrates that TALL-104 cells are difficult to grow using techniques typically applied for large scale

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suspension cultures, while, in contrast, the LAK cells described by Gambacorti-Passerini et al. can be readily grown using such techniques. Furthermore, even though transformed cells are generally thought to exhibit a more robust phenotype, TALL cell lines are known to be unexpectedly sensitive to culture conditions (see Carswell et al., page 337, in particular). In fact, TALL T cell lines demonstrate increased fragility compared to primary T cells, and fail to grow in large scale culture systems in which primary T cells or LAK cells can readily be propagated (see Carswell et al., 2000, and Pierson et al., of record). Thus, based on the state of the art, the ordinary artisan would not have a reasonable expectation of success in applying large scale culture methods suitable for LAK cells (as taught by Gambacorti-Passerini et al.) to cultivate TALL-104 cells, which are known to be highly sensitive to large scale culture conditions suitable for other cell types, including LAK cells.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amy E. Juedes whose telephone number is 571-272-4471. The examiner can normally be reached on 8am - 5pm, Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ram Shukla can be reached on 571-272-0735. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Amy E. Juedes

Patent Examiner

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Primary Examiner, Art Unit 1644